

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ALICE BANKS,

Plaintiff(s),

v.

SOUTHERN NEVADA REGIONAL
HOUSING AUTHORITY, et al.,

Defendant(s).

Case No. 2:15-CV-1541 JCM (GWF)

ORDER

Presently before this court are Magistrate Judge Foley's report and recommendation. (ECF No. 43). Plaintiff Alice Banks did not file a timely objection to the report and recommendation.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party fails to object to a magistrate judge's report and recommendation, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any issue that is not the subject of an objection.").

Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine whether to adopt the recommendation of the magistrate judge.

This court finds that the magistrate judge properly reasoned that plaintiff's complaint be dismissed with prejudice. (ECF No. 43). Plaintiff has not engaged with the case in over ten

1 months, failing to appear for scheduled hearings and the October 26, 2016, calendar call. (ECF
2 Nos. 36, 42); *see* Fed. R. Civ. P. 41(b). Additionally, she has failed to inform the court of her
3 change of address or other contact information. *See* LR IA 3-1 (“Failure to comply with this rule
4 may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed
5 appropriate by the court.”).

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
8 recommendation of Magistrate Judge Foley (ECF No. 43) be, and the same hereby are, ADOPTED
9 in their entirety.

10 IT IS FURTHER ORDERED that plaintiff’s complaint, (ECF No. 1) be DISMISSED with
11 prejudice.

12 The clerk shall enter judgment accordingly and close the case.

13 DATED November 7, 2016.

14 
UNITED STATES DISTRICT JUDGE